

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

UNITED STATES OF AMERICA,

Plaintiff,

CASE NO. 1:07-CR-34

v.

HON. ROBERT HOLMES BELL
JEFFREY LEWIS TAYLOR,

Defendant.

/

MEMORANDUM OPINION AND ORDER

This matter is before the Court on defendant's Motion for Modification or Reduction of Sentence Pursuant to 18 U.S.C. §3582(c)(2) (docket #37). On May 1, 2008, a Report of Eligibility was issued by the Probation Department that indicated defendant appeared to be ineligible for consideration of modification of sentence. Defendant has not filed an objection to the Report of Eligibility within the time-frame established by procedures promulgated by the United States District Court for the Western District of Michigan.

Based on a review of defendant's motion and the original criminal file, the Court has determined that the motion should be denied.

Defendant was sentenced to the mandatory minimum of 120 months in custody at the time of sentencing on November 9, 2007. The Sentencing Guidelines

provide that “where a statutorily required minimum sentence is greater than the maximum of the applicable guideline range, the statutorily required minimum sentence shall be the guideline sentence.” USSG §5G1.1(b). Since Amendment 706 does not result in a lower guideline range due to the mandatory minimum sentence imposed, defendant is not eligible for a sentence reduction under 18 U.S.C. §3582(c)(2) and USSG §1B1.10.

Date: July 11, 2008

/s/ Robert Holmes Bell
ROBERT HOLMES BELL
CHIEF UNITED STATES DISTRICT JUDGE